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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/422,498	10/21/1999	C. DAVID YOUNG	98CR095/KE	5622
7590	06/15/2004		EXAMINER	
ROCKWELL COLLINS INC INTELLECTUAL PROPERTY DEPARTMENT M/S 124-323 400 COLLINS ROAD NE CEDAR RAPIDS, IA 52498			HYUN, SOON D	
			ART UNIT	PAPER NUMBER
			2663	
			DATE MAILED: 06/15/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/422,498	YOUNG ET AL. <i>Jr</i>	
	<b>Examiner</b> Soon D Hyun	<b>Art Unit</b> 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02/10/2004.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-5,7-10 and 12-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 23 and 24 is/are allowed.
- 6) Claim(s) 1,4,5,7,8,10,12,14,15,18,21,22, 25, and 26 is/are rejected.
- 7) Claim(s) 2,3,9,13,16,17,19,20 and 27 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 7, 8, 10, 12, 14, 15, 18, 21, 22, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Crisler et al (U.S Patent No. 5,594,738).

Regarding claim 1, 4, 7, 10, 14, 18, and 25, Crisler et al discloses a method and a system of managing communication between nodes of a network (improved reservation ALOHA protocol), involving both dynamic and static assignment of communication time slots:

establishing a network comprising a plurality of dynamic nodes (communication units 102 transmitting a reservation request), network communication being accomplished via assignment of time slots of a time multiplex structure (FIG. 5), the plurality of dynamic nodes participating in a dynamic assignment protocol (contention protocol for reservation request), each of the plurality of dynamic nodes being capable of assigning itself a time slot from available time slots of said time multiplex structure (see col. 9, lines 18-21), the network further comprising at least one static node (communication unit 102 which is allocated time slots A2 in FIG. 5 by a time slot allocator (101) not participating in the dynamic assignment protocol; and

pre-assigning a time slot (A2) in said time multiplex structure to the at least one static node. See col. 9, lines 12- 38.

Regarding claims 5, 12, 21, 22, and 26, Crisler et al further discloses that the at least one static node is not capable of participating in the dynamic assignment protocol, i.e., a communication unit with allocated time slots is not capable of transmitting reservation request until the allocated time slots are expired, even though it has means for participating in the dynamic assignment protocol, see col. 9, lines 39-40.

Regarding claims 8 and 15, Crisler et al further discloses an uplink channel 106 and a downlink channel 113, i.e., comprising a frequency division multiple access protocol operating in conjunction with said time multiplex structure.

#### ***Allowable Subject Matter***

3. Claims 23 and 24 are allowed.
4. Claims 2, 3, 9, 13, 16, 17, 19, 20, and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

5. Applicant's arguments filed 02/10/2004 have been fully considered but they are not persuasive.

Applicant argues that the "the communication unit does not assign itself a time slot, the central controller assign a time slot to the communication unit after receiving a

request from a communication unit" in the reference. Examiner interprets the phrase "assign itself a time slot" as broadly as possible. Thus, Examiner understands the phrase as that the communication unit transmits its data in the time slot determined by negotiation. The reference fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., who determines the time slot is not recited in the rejected claim(s)). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argues that the reference does not disclose the inclusion of a static node with a preassigned time slot. Examiner disagrees. With reference to FIG. 2, a time slot A2 is preassigned to another communication unit when a communication unit (a dynamic node) tries to assign a time slot. The communication unit assigned to A2 time slot is not capable of processing the dynamic assignment protocol at that time. Therefore, the communication unit assigned to A2 time slot is a static node.

For the reasons discussed above, Examiner believes that the claim rejection is proper.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Soon-Dong Hyun whose telephone number is (703) 305-4550. The examiner can normally be reached on Monday-Friday from 8:30 A.M. to 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen, can be reached on (703) 308-5340.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

7. Any response to this final action should be mailed to:

Box AF

Commissioner for Patents

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Or faxed to: 703-872-9306 for formal communications intended for entry with a label of "EXPEDITED PROCEDURE" for informal or draft communications with a label of "PROPOSED" or "DRAFT" (attn: Art Unit 2663, Soon-Dong Hyun).

  
S. Hyun

06/10/2004

  
CHAU NGUYEN  
SUPERVISORY PATENT EXAMINER  
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